

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

11 WILL ROBINSON, III,

12 Plaintiff,

13 v.

14 VALLEJO CA POLICE DEPT., et al.,

15 Defendants.

Case No. 2:24-cv-03194-TLN-CSK

ORDER TO SHOW CAUSE

17 Plaintiff Will Robinson, III, is proceeding in this action pro se.¹ On April 14, 2025,
18 the Court issued an order denying Plaintiff's request for leave to proceed in forma
19 pauperis ("IFP") and granted Plaintiff thirty (30) days to submit a new IFP request on a
20 proper form. (ECF No. 10.) This order was mailed to Plaintiff by mail. However, on May
21 5, 2025, the mail returned as undeliverable. To date, Plaintiff has not submitted a new
22 IFP request or updated his address with the Court.

23 A district court may impose sanctions, including involuntary dismissal of a
24 plaintiff's case pursuant to Federal Rule of Civil Procedure 41(b), where the plaintiff fails
25 to prosecute his or her case or fails to comply with the court's orders, the Federal Rules
26 of Civil Procedure, or the court's local rules. See *Chambers v. NASCO, Inc.*, 501 U.S.

27 _____
28 ¹ This matter proceeds before the undersigned pursuant to 28 U.S.C. § 636, Fed. R. Civ. P. 72, and Local Rule 302(c)(21).

1 32, 44 (1991) (recognizing that a court “may act *sua sponte* to dismiss a suit for failure to
2 prosecute”); *Hells Canyon Preservation Council v. U.S. Forest Serv.*, 403 F.3d 683, 689
3 (9th Cir. 2005) (approving *sua sponte* dismissals under Rule 41(b)); *Ferdik v. Bonzelet*,
4 963 F.2d 1258, 1260 (9th Cir. 1992), *as amended* (9th Cir. 1992) (“Pursuant to Federal
5 Rule of Civil Procedure 41(b), the district court may dismiss an action for failure to
6 comply with any order of the court.”). This Court’s Local Rules are in accord. See E.D.
7 Cal. Local Rule 110 (“Failure of counsel or of a party to comply with these Rules or with
8 any order of the Court may be grounds for imposition by the Court of any and all
9 sanctions authorized by statute or Rule or within the inherent power of the Court.”); E.D.
10 Cal. Local Rule 183(a) (providing that a pro se party’s failure to comply with the Federal
11 Rules of Civil Procedure, the court’s Local Rules, and other applicable law may support,
12 among other things, dismissal of that party’s action).

13 The Court has considered whether this action should be dismissed at this juncture
14 due to Plaintiffs’ failure to file an IFP request on a proper form as ordered by the Court
15 and for failure to notify the Court of his current address. As noted above, Plaintiff’s copy
16 of the Court’s last order was returned as undeliverable. Despite such return, Plaintiff was
17 properly served. Pursuant to Local Rule 182(f), service of documents at the record
18 address of the party is fully effective. It is the Plaintiff’s responsibility to keep the Court
19 apprised of his current address at all times. It appears that Plaintiff has failed to comply
20 with Local Rule 183(b), which provides that:

21 A party appearing in propria persona shall keep the Court and
22 opposing parties advised as to his or her current address. If
23 mail directed to a plaintiff in propria persona by the Clerk is
24 returned by the U.S. Postal Service, and if such plaintiff fails to
notify the Court and opposing parties within thirty (30) days
thereafter of a current address, the Court may dismiss the
action without prejudice for failure to prosecute.

25 Nevertheless, in light of Plaintiff’s pro se status, the Court first attempts lesser
26 sanctions by issuing this order to show cause. Plaintiff has twenty-one (21) days to
27 respond to this order to show cause and file an IFP request on a proper form and
28 provide a current address. Plaintiff is cautioned that failure to respond to this order will

1 result in a recommendation to dismiss this action for failure to prosecute.

2 Dated: 07/01/25

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4 CHI SOO KIM
5 UNITED STATES MAGISTRATE JUDGE

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